

ORDINANCE NO. 2004- 15

AN ORDINANCE ANNEXING 36.1 ACRES, APPROVING ARBOR SUMMIT ANNEXATION AND OTHER ADJACENT PROPERTIES (ZCA2004-00001), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on December 14, 2004 to consider the annexation of eight (8) parcels of land consisting of 36.1 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on December 14, 2004; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

SECTION 2: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

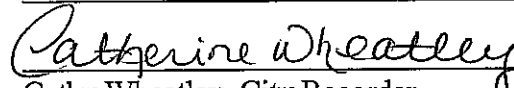
SECTION 3: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 4: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2005.

SECTION 5: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

SECTION 6: An emergency is declared as it is necessary to become effective for the peace, health and safety of the City; therefore, this ordinance shall take effect immediately upon passage.


PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 28th day of December, 2004.


Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this 28th day of December, 2004.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

December 28, 2004
Date

ANNEXATION DESCRIPTION

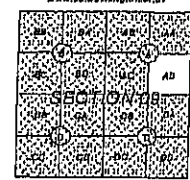
A tract of land situated in the Section 9, Township 2 South Range 1 West Willamette Meridian described as follows:

Beginning at the northwest corner of the subdivision plat of Arlington Heights being on the southerly right-of-way of SW Bull Mountain Road; thence N 01° 57' 48" E a distance of 13.03 feet to the southerly right-of-way of SW Bull Mountain Road; thence S 88° 04' 30" W, along said southerly right-of-way, a distance of 625.20 feet; thence S 01° 56' 56" W a distance of 426.22 feet; thence S 88° 56' 17" E a distance of 212.83 feet; thence S 02° 00' 00" W a distance of 274.12 feet; thence N 88° 49' 24" W a distance of 335.71 feet; thence S 01° 15' 49" W a distance of 475.19 feet; thence S 87° 59' 46" E a distance of 303.50 feet; thence S 01° 15' 46" W a distance of 561.57 feet; thence S 87° 59' 46" E a distance of 303.50 feet; thence S 01° 14' 45" W a distance of 298.88 feet; thence S 02° 27' 42" W a distance of 250.09 feet; thence N 69° 39' 06" E a distance of 400.35 feet; thence S 02° 25' 39" W a distance 514.32 feet; thence S 11° 57' 02" E a distance of 371.23 feet to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the left; thence along said curve to the left with a radius of 1967.00 feet, a central angle of 1° 26' 18" (a chord which bears N 55° 57' 57" E, 49.38 feet) and a length of 49.38 feet; thence N 11° 57' 02" W a distance 317.08 feet; thence N 65° 00' 28" E a distance of 322.47 feet; thence S 28° 38' 14" E a distance of 205.97 feet to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the left; thence along said right-of-way and said curve to the left with a radius of 967.00 feet, a central angle of 00° 04' 39" (a chord which bears N 40° 35' 14" E, 1.31 feet) and a length of 1.31 feet; thence N 40° 32' 54" E, said right-of-way, a distance of 206.72 feet; thence N 46° 22' 17" W, leaving said right-of-way a distance of 32.27 feet; thence N 28° 16' 04" W a distance of 132.02 feet; thence N 48° 34' 22" E a distance of 120.17 feet; thence S 46° 22' 17" E a distance of 126.72 feet; thence N 76° 46' 51" E a distance of 29.53 to the northerly right-of-way of SW Beef Bend Road and a point on a curve to the right; thence along said right-of-way and said curve to the right with a radius of 4033.00 feet, a central angle of 1° 26' 03" (a chord which bears N 44° 16' 04" E, 101.15 feet) and a length of 101.15 feet; thence N 44° 59' 11" E, along said right-of-way, a distance of 32.80 feet; thence leaving said right-of-way N 46° 22' 17" W a distance of 94.16 feet; thence N 01° 43' 13" E a distance of 231.86 feet; thence N 89° 41' 17" W a distance of 444.20 feet; thence N 02° 02' 19" E a distance of 117.39 feet; thence N 01° 28' 06" E a distance of 173.36 feet; thence N 02° 14' 47" E a distance of 134.59 feet; thence N 00° 00' 56" W a distance of 130.41 feet; thence N 01° 54' 35" E a distance of 389.30 feet; thence N 01° 11' 42" E a distance of 276.26 feet; thence N 89° 41' 55" W 2.82 feet; thence N 01° 49' 33" E a distance of 86.28 feet; thence S 88° 49' 24" E a distance of 92.48 feet; thence N 01° 56' 48" E a distance 721.21 feet to the point of beginning.

Containing 36.1 acres.

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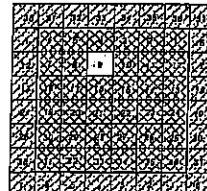
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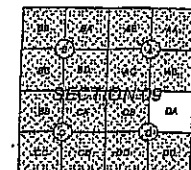
PLOT DATE: July 08, 2002
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE



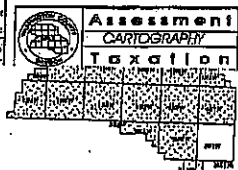
WASHINGTON COUNTY OREGON
NE1/4 SE1/4 SECTION 08 T28 R1W W.M.
SCALE 1" = 100'



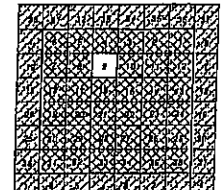
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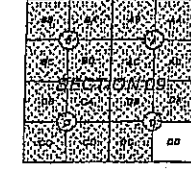
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WASHINGTON COUNTY OREGON
SE1/4 SE1/4 SECTION 08 T25 R1W WJM,
SCALE 1" = 100'



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Cancelled Tolls For: 28109 DO
278,204,131,544,264,108,

